

AFFIDAVIT
of
SGT. DANIEL P. BANASIK
Missouri State Highway Patrol
(Currently Assigned to DEA Drug Task Force)

I, DANIEL P. BANASIK, being first duly sworn, do depose and state that:

1. I am a Sergeant with the Missouri State Highway Patrol (MSHP), currently deputized and assigned, as a Task Force Officer (TFO), to the Drug Enforcement Administration (DEA) Drug Task Force. As such, I am an investigative and law enforcement officer of the United States authorized to conduct investigations of, and to make arrests and seizures for, offenses enumerated in the "Controlled Substances Act," Title 21, United States Code.

2. Your affiant has been a sworn law enforcement officer for 19 years. I have received specialized training and attended numerous seminars presented by MSHP and DEA relating to the manufacture, distribution and/or possession with the intent to distribute controlled substances. From my training and field experience, I have extensive knowledge of complex illegal drug distribution and/or manufacturing organizations.

3. Affiant states that based upon my training, I know that 3,4 methylenedioxymethamphetamine (MDMA, a/k/a "ecstasy") is a Schedule I controlled substance, and that the manufacture, distribution or possession with intent to distribute methylenedioxymethamphetamine is a violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(C).

4. The following is based upon affiant's personal knowledge and investigation in this case, as well as information provided to affiant by other officers with the MSHP.

5. On December 18, 2005, Missouri State Highway Patrolman Sergeant Jack McMullin, badge #266, stopped a green 1998 Chevrolet Astrovan, bearing Ontario Canada registration ANFW-717, for a traffic violation, speeding seventy miles per hour (70 mph) in a sixty miles per hour (60 mph) zone, on westbound I-44 near the Missouri Route 13 Interchange in Springfield, Greene County, Missouri. The driver of the vehicle was identified through a Canadian driver's license as Jeremy Alan CYOPECK, XXXXXXXXXXXXX, Ontario, Canada; the passenger was also identified through a Canadian driver's license as Robert Ashley WILLIAMS, XXXXXXXXXXXX, Ontario, Canada. The registration present in the vehicle indicated the vehicle is registered to Jenice McDonald, XXXXXXXXXXXX, Ontario, Canada, Williams' aunt. Sergeant McMullin became suspicious of the occupants and requested permission to search the vehicle from CYOPECK. CYOPECK granted Sergeant McMullin consent to search.

6. A search of the vehicle resulted in the seizure what was later determined to be approximately fifty pounds (50 lbs.) or eighty thousand (80,000) ecstasy tablets. The majority of the tables were located in a green nylon duffle-bag located in the rear of the vehicle. A smaller amount of the ecstasy tablets were located wrapped in a jean-jacket in the rear of the vehicle. Upon locating the tablets Sergeant McMullin showed a sample of the tablets to CYOPECK and asked CYOPECK what the tablets were. CYOPECK made a reference that the tablets were ecstasy. Sergeant McMullin then placed both CYOPECK and WILLIAMS under arrest. After placing both subjects under arrest and advising them of their Constitutional Rights, via Miranda, CYOPECK requested counsel.

7. The ecstasy was packaged in sixteen (16) separate large plastic bags. Each of these bags contained five (5) separate smaller plastic bags; each of the smaller bags contained approximately one thousand (1,000) ecstasy tablets. Thirteen (13) of the large plastic bags were placed inside a green nylon bag and the remaining three (3) large plastic bags were wrapped inside a blue jean jacket. Eight (8) of the aforementioned large plastic bags were gallon size "Freeze Guard Ziploc" bags and the remaining eight (8) large plastic bags were "Food Saver" heat seal bags. The "Freeze Guard Ziploc" bags each contained five (5) "Food Saver" heat seal bags, each of these containing approximately one thousand (1,000) ecstasy tablets. The remaining eight (8) large plastic bags were "Food Saver" heat seal bags. Each of there contained five (5) sandwich sized "Ziploc" bags, each containing one thousand (1,000) ecstasy tablets.

8. The ecstasy tables were circular with an approximate eight-millimeter (8 mm) circumference. The tables were either pink with a musical note symbol embossed in the center or blue with a dolphin figure embossed in the center. All of the aforementioned large "Freeze Guard Ziploc" bags contained pink tablets. Four (4) of aforementioned "Food Saver" heat seal bags contained pink tablets and the remaining four (4) contained blue tablets. A field test was conducted by TFO Banasik on one of the tablets. This tested demonstrated a positive response for the presence of ecstasy.

9. The blue jean jacket utilized to conceal the ecstasy was a "Fubu" jean jacket size XXL. The green nylon bag also contained a bottle of "Johnson's" baby shampoo. Also located in the rear of the vehicle with the ecstasy was a blue backpack, later claimed by WILLIAMS; a piece of work out equipment, a piece of the vehicle, a pair of "Rocawear" black sweat pants, size XXL; and pair of "Enyce Clothing" blue

jeans, size 40/40. An inquiry with both WILLIAMS and CYOPECK showed them to wear size XXL shirts and pants.

10. Post-Miranda, WILLIAMS denied any knowledge of the contraband and stated he and CYOPECK were en route to Amarillo, Texas, to visit friends. WILLIAMS indicated he had borrowed the car from his aunt. No questions were asked of CYOPECK. Both subjects are Canadian citizens, and when advised of their right to talk to their country's consulate, they requested to do so. TFO Banasik informed the Canadian government of both CYOPECK and WILLIAMS's arrest.

11. Based upon my training and experience, the amount of 3,4 methylenedioxymethamphetamine (MDMA, a/k/a "ecstasy") seized represents a distribution amount.

SGT. DANIEL P. BANASIK, MSHP
(Currently assigned as a Task Force Officer (TFO)
to the DEA Drug Task Force)

Subscribed and sworn to before me in my presence on this _____ day of
December, 2005.

JAMES C. ENGLAND
United States Magistrate Judge